REGULATION No. XIII OF 1933.

(Received the assent of His Highness the Maharaja on the 29th day of December 1933.)

A Regulation further to amend the Code of Criminal Procedure, 1904, for a certain purpose.

Whereas it is expedient further to amend the Code of Criminal Procedure, 1904, for the purpose hereinafter appearing; It is hereby enacted as follows:— Preamble.

1. This Regulation may be called the Code of Criminal Procedure (Amendment) Regulation, 1933. Short title.

2. In section 526 of the Code of Criminal Procedure, 1904,— Amendment of section 526.

(*a*) In sub-section (5), for the words "has power under this section to award by way of costs" the words "may under this section award by way of compensation" shall be substituted;

(*b*) In sub-section (6), for the words "Public Prosecutor" the words "Government Advocate" shall be substituted;

(*c*) (i) In sub-section (6-A), for the word "costs" the word "compensation" shall be substituted, and for the words "any expenses reasonably incurred by such person in consequence of the application" the words "such sum not exceeding two hundred rupees as it may consider proper in the circumstances of the case" shall be substituted;

(ii) The following proviso shall be added to sub-section (6-A):—

"Provided that no such order for payment of compensation shall be passed unless the applicant has had an opportunity of showing cause to the countary."

(*d*) for sub-section (8) the following sub-section shall be substituted, namely:—

"(8) If in any inquiry under Chapter VIII or Chapter XVIII or in any trial, any party interested intimates to the Court at any stage before the defence closes its case that he intends to make an application under this section, the Court shall, upon his executing, if so required, a bond without sureties, of an amount not exceeding two hundred rupees that he will

make such application within a reasonable time to be fixed by the Court, adjourn the case for such a period as will afford sufficient time for the application to be made and an order to be obtained thereon :

Provided that nothing herein contained shall require the Court to adjourn the case upon a second or subsequent intimation from the same party, or, where an adjournment under this sub-section has already been obtained by one of several accused, upon a subsequent intimation by any other accused ;"

(*e*) to sub-section (9) the following Explanation shall be added, namely :—

"*Explanation.*—Nothing contained in sub-section (8) or sub-section (9) restricts the powers of a Court under section 344 ;"

(*f*) after sub-section (9) as so amended the following sub-section shall be added, namely :—

"(10) If, before the argument (if any) for the admission of an appeal begins, or, in the case of an appeal admitted, before the argument for the appellant begins, any party interested intimates to the Court that he intends to make an application under this section, the Court shall, upon such party executing, if so required, a bond without sureties of an amount not exceeding two hundred rupees that he will make such application within a reasonable time to be fixed by the Court postpone the appeal for such a period as will afford sufficient time for the application to be made and an order to be obtained thereon."

MIRZA M. ISMAIL,
Dewan.

Order No. P. 3192—*Legis.* 25-33-3, *Bangalore, dated the 6th January* 1934.

Ordered that the accompanying Regulation further to amend the Criminal Tribes Regulation, 1916, which received the assent of His Highness the Maharaja, on the 29th day of December 1933, be published as Regulation No. XIV of 1933 in the *Mysore Gazette* for general information.

By Order,
H. V. RAMASVAMI,
General Secretary to Government.